United Nations CRPD/CSP/2012/SR.3

Convention on the Rights of Persons with Disabilities

Distr.: General
7 January 2013

Original: English

Conference of States Parties to the Convention on the Rights of Persons with Disabilities
Fifth session
New York, 12-14 September 2012

Summary record of the 3rd meeting
Held at Headquarters, New York, on Thursday, 13 September 2012, at 10 a.m.

President: Mr. Wolfe (Vice-President) ..... (Jamaica)

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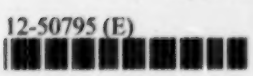

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In the absence of Mr. Grunditz (Sweden), Mr. Wolfe (Jamaica), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Matters related to the implementation of the Convention (*continued*)

(a) General debate (*continued*)

1. **Ms. Alsaleh** (Syrian Arab Republic) said that her Government had been at the forefront of efforts to protect the rights of persons with disabilities and had integrated the issue into national projects and strategies, particularly the State's eleventh five-year plan (2011-2016). A major cause of disability in her country was the Israeli occupation of the Syrian Golan; moreover, the suffering of persons with disabilities in the occupied areas was compounded by Israeli violations of basic rights and freedoms. The mines and cluster bombs deployed by Israel had also left hundreds dead and hundreds more, often children, with permanent disabilities. The occupied town of Majdal Shams was surrounded by mines, and the Israeli occupation authority had yet to disclose the locations of the mines it had planted in the wake of its withdrawal from the town of Qunaytirah.

2. States parties to the Convention on the Rights of Persons with Disabilities should be wary of illegitimate unilateral sanctions imposed by States exercising hegemony over developing countries. Any attempt to prohibit the import of medicine and wheelchairs would violate the rights of persons with disabilities, including, ultimately, the right to life. She hoped that the Convention would help to draw attention to and curb such sanctions.

3. **Mr. ten Geuzendam** (Observer for the European Union) said that the European Union shared competence with its States members on some matters governed by the Convention. The Declaration concerning the competence of the European Community with regard to matters governed by the United Nations Convention on the Rights of Persons with Disabilities established the extent of its competence regarding accessibility, independent living and social inclusion, work and employment, personal mobility, access to information, statistics, data collection and international cooperation. While the primary responsibility for such areas as education, health care and employment lay with States members, the European Disability Strategy 2010-2020 supported national efforts and provided a context in which the European Union and its States members could work together to build a barrier-free Europe for all.

4. Since 2008, the European Commission had been issuing annual reports on implementation of the Convention; the most recent focused on accessibility. The Commission was preparing a proposal to establish a European framework for accessible goods and services based on a "design for all" approach. In drafting European Union legislation and other measures, the Commission was bound to verify compliance with the Convention. Since 2010, it had organized an annual Work Forum bringing together all stakeholders, including the relevant mechanisms, service providers, persons with disabilities and their organizations, under article 33 of the Convention. The 2011 Forum had focused on coordination issues and ways to engage with civil society.

5. The Commission had created an online tool containing links to over 40 relevant European Union and national instruments relating to general legal framework, accessibility legislation and standards, independent living, education, employment, statistics and data collection, awareness raising and external action. It could serve as a model for States that were developing or improving their policy and legal frameworks and was an example of the European Union's willingness to share its experience with other parties to the Convention.

6. **Mr. Shin** Dong Ik (Republic of Korea) drew attention to his Government's initial report on implementation of the Convention (CRPD/C/KOR/1), submitted to the Committee on the Rights of Persons with Disabilities in June 2011, and said that his country had enacted a range of laws to promote and protect the rights of persons with disabilities, particularly women and children. The 2011 Welfare Assistance Act for Children with Disabilities set out the obligations of the national and local authorities, including assisting in the early detection of disability and establishing a system to deliver support. His Government provided allowances and free childcare for children with disabilities and the Anti-Discrimination Act prohibited educational and vocational training institutions from discriminating against women with disabilities. The Centre for Prevention of Human Rights Infringement for Persons with Disabilities, comprising persons with disabilities and experts in the field, conducted regular

monitoring and investigations in order to prevent sexual assaults on such persons.

7. Technology and accessibility were critical in order to involve persons with disabilities in economic and social activities and improve their general welfare. The Government had therefore adopted legislation providing for reasonable accommodation, such as accessible public toilets in buildings and the availability of sign language and vocal interpreters to ensure equality of access to information.

8. Lastly, he drew attention to a side event on the theme "Make the Right Real in Korea", sponsored by the Korea Development Institute and his Government's Ministry of Health and Welfare. The event would provide information on the Economic Commission for Asia and the Pacific High-level Intergovernmental Meeting on the Final Review of the Implementation of the Asian and Pacific Decade of Disabled Persons, 2003-2012, to be hosted by the Republic of Korea and held in Incheon from 29 October to 2 November 2012.

9. **Ms. Khare** (India) said that her Government had long recognized the need for specific policies to support persons with disabilities. The Persons with Disabilities Act (1995) recognized the value of such persons and sought to create an enabling environment for their full participation in society, including in the areas of education and employment; the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act (1999), currently being amended in light of the Convention, provided for the legal guardianship of persons with those disabilities and for the creation of an enabling environment; and the National Policy for Persons with Disabilities (2006) focused specifically on women and children with disabilities.

10. In 2010, the Ministry of Social Justice and Empowerment had established a committee to harmonize existing legislation with the provisions of the Convention; its recommendations had been submitted in June 2011 and consultations with the stakeholders, particularly India's States, which had responsibility for disability issues under the Constitution, were under way.

11. The Government had established a scheme of national awards for the empowerment of persons with disabilities and had created several national institutes and regional centres to promote research and training with a view to better delivery of services to such persons. It funded a large number of relevant non-governmental organizations (NGOs) and provided loans to self-employed persons with disabilities at concessional rates. The Right to Education Act (1999) mandated free, compulsory elementary education for children with disabilities and the Copyright Act had been amended to facilitate their access to teaching materials. In January 2012, the Government had decided to convert the Disability Division of the Ministry of Social Welfare and Empowerment to a separate Department.

12. **Mr. Tremiño** (Spain) said that his Government had been the first State party to report to the Committee on the Rights of Persons with Disabilities (CRPD/C/ESP/1). The Committee's recommendations, issued at its sixth session in September 2011, had been incorporated into the Spanish Disability Strategy 2012-2020. The Strategy provided for a plan of action that included specific measures for the involvement of persons with disabilities and quantifiable objectives that were based in part on the European Disability Strategy and were intended to promote the full, effective and equal participation of persons with disabilities in economic and social life. A disability act was being prepared with a view to clarifying and harmonizing the current legislative framework.

13. **Mr. Alemán Arias** (Panama) said that his country was at the forefront of efforts to incorporate the provisions of the Convention into domestic law; his Government had formulated a national policy in order to promote the rights of its 370,000 persons with disabilities. The country was a signatory to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. In order to empower and encourage the participation of women, gender units were being established in every Government agency. The gender unit in the National Secretariat for Disabilities, which he headed, promoted mainstreaming of the issue of women with disabilities into all activities.

14. The Ministry of Health had recently opened the first osteogenesis imperfecta (brittle bone disease) ward in a Latin American public hospital; patients with that condition had previously needed treatment outside the country and their medication had not been covered by the Government. His Government was also

promoting national forums on technology and disability in order to create new opportunities for persons with disabilities and ensure their access to new technologies. In cooperation with civil society, it had recently opened an Ann Sullivan Center in Panama City.

15. **Ms. Ioannou** (Cyprus) said that her country had ratified the Convention and its Optional Protocol in 2011 and was incorporating their provisions into national policies. The Government had designated three mechanisms for implementing and monitoring the Convention in accordance with article 33 thereof. The Department for Social Inclusion of Persons with Disabilities would be the focal point for implementation of the Convention. Its responsibilities included coordinating the preparation of a national action plan on disability, which would guide the competent agencies in implementing the Convention and the European Disability Strategy 2010-2020. In view of the economic crisis, it was expected that priority would be given to measures with no significant cost. The Pan-Cyprian Council for Persons with Disabilities had been designated as the mechanism that would coordinate preparation of the national action plan. With that purpose in mind, thematic technical committees comprising contact points from all competent authorities and representatives of associations of persons with disabilities would be formed. The Ombudsman and Commissioner for the Protection of Human Rights and Equal Authority had been designated as the independent mechanism for promoting, protecting and monitoring implementation of the Convention.

16. **Mr. Román-Morey** (Peru) said he was dismayed that delegations had not been given sufficient time to express their views, particularly on a Conference of States Parties. He asked whether an additional session would be held on the following afternoon in order to continue the general debate.

17. **Ms. Ito** (Chief, Secretariat for the Convention on the Rights of Persons with Disabilities) said it was her understanding that all delegations had been informed of the rules governing the general debate on 7 September 2012.

(c) Round table 2: Children with disabilities (CRPD/CSP/2012/CRP.4)

18. **The President** said that the values inculcated into children determined the type of adult that they became. Although children were among the most vulnerable social groups and children with disabilities required additional attention, care, nurturing, tolerance and guidance, they were too often subject to discrimination and abuse. It had therefore been decided to devote Round table 2 to article 7 of the Convention. He drew attention to the discussion paper for Round table 2 (CRPD/CSP/2012/CRP.4), which examined the international frameworks concerning the rights of the child, contained fundamental questions for consideration and was expected to lead to a rich interactive discussion.

19. **Ms. Bogopane-Zulu** (Deputy Minister of Women, Children and People with Disabilities, South Africa) said that children with disabilities were entitled to the same future as other children. The international community's priorities should be to change attitudes towards persons, and particularly children, with disabilities; improve universal access capacity and design standards at the planning, implementation and enforcement levels; strengthen enforcement mechanisms and put in place responsive appeal mechanisms for the parents of children with disabilities; accelerate efforts to build vibrant parent and youth movements; and provide meaningful and appropriate platforms for children with disabilities to represent themselves.

20. Progress in improving access to education for children with disabilities over the preceding decade had been significant, but not fast enough. Between 2006 and 2011, 108 South African schools had been upgraded, in line with the principles of universal design, to serve as model full-service/inclusive schools and her Government was currently implementing a further upgrade. Schools were supplied with assistive technology and teachers with training on inclusive education. The country's provinces had allocated funding to convert 405 more schools by 2014. As at 2010, 6 per cent of children in the school system had a disability, compared to 1 per cent in 2002. In the 7-to-15 age group, 94 per cent of children with disabilities had attended school in 2010, compared to 73 per cent in 2002. In the 16-to-18 age group, however, only 68 per cent of children with disabilities had attended school, compared to 51 per cent in 2002. Her Government aimed to do more in that area.

21. Most school-based mass sporting events involved learners with disabilities. The National Sport and Recreation Plan, approved in 2011, provided for

schools for children with disabilities to be included in the talent identification and development programme through their participation in the National Top School Games and the South African Youth Olympic Games. The Plan's impact had been clear at the 2012 Paralympic Games.

22. A number of challenges remained, however, including a lack of early-childhood intervention and accessible public transport, particularly in rural areas. The Department of Social Development had conducted research in rural areas of Mpumalanga Province, finding that although the province had rolled out the most extensive Government-funded community rehabilitation programme in South Africa, managed by organizations of persons with disabilities, only 42 per cent of children with disabilities were receiving rehabilitation and only 33 per cent had the assistive devices that they required. Indigent families of children under 18 with disabilities qualified for support grants. Currently, 115,000 families were accessing the monthly care dependency grant. The families of severely disabled children also received childcare dependency grants.

23. A major focus of the national early childhood development programme was to break down the barriers preventing children with disabilities from accessing community-based programmes and facilities. Her Government believed that the right support for children with disabilities at an early age determined their future. An obstacle to implementation of the early childhood development programme was the lack of empowerment of parents of children with disabilities, who were the sole providers for those children and should be encouraged to allow them to live their own dreams.

24. Her Government believed that the participation of children in policies affecting them was non-negotiable and that children with disabilities should be included in all consultations with children. Children with disabilities participated in the Children's Parliament, which coincided with Nelson Mandela International Day; Universal and South African Children's Days; Child Protection Week; and child participation workshops, at which children with disabilities could express their views on matters affecting them. Support was provided to such children with disabilities at the workshops, but those with severe communication and intellectual disabilities were still underrepresented.

25. Access to justice remained a problem for children with disabilities in South Africa and around the world. One of the main objectives of the Children's Act (2005) was to recognize the special needs of such children. The Act established the principles that children should be protected from unfair discrimination on the grounds of disability in proceedings, actions or decisions concerning them and that an enabling environment should be created to respond to the special needs of children with disabilities.

26. South Africa was currently experiencing an unprecedented wave of violence against women and children, committed primarily by relatives and friends of the victims. Children with disabilities had not been spared and were equally vulnerable at home and at school, particularly in boarding facilities. Her Government's response had been to strengthen coordination between the agencies involved in preventing violence against women and children and to establish an interministerial committee to investigate the causes of gender-based violence with a view to improving prevention and intervention. The Department of Women, Children and People with Disabilities, which she headed, had created the Council against Gender-based Violence, which brought together State institutions, the private sector and civil society and would oversee the implementation of a Comprehensive 365-Day National Programme of Action against Gender-based Violence.

27. Children with disabilities had the most vulnerable place in the service delivery value chain; slow action by decision-makers meant that opportunities for timely early intervention, early referral and access to early childhood development and education were often missed. It was therefore essential that those children and their parents should be empowered to fight for their rights and for timely access to services and intervention, become agents for change in their local communities and receive support from other parents, communities, organizations of persons with disabilities and Governments.

28. Children were essential to peace and her Government was committed to strengthening its efforts, in partnership with parents' organizations, organizations of persons with disabilities and Governments, to bring about real change in the lives of children with disabilities and create active adults with disabilities.

29. **Mr. Alipui** (Director of Programmes, United Nations Children's Fund) said that the rapid ratification of the Convention by so many countries demonstrated Governments' commitment to addressing the problems of persons with disabilities. He recognized the cooperation forged among many actors, in particular organizations representing persons with disabilities, and the importance of the Global Partnership on Children with Disabilities, which the United Nations Children's Organization (UNICEF) led. He also acknowledged international cooperation efforts, in particular by donors such as Australia and Denmark. He welcomed the 2011 report of the Secretary General on the status of the Convention on the Rights of the Child (A/66/270) and General Assembly resolution 66/141 on the rights of the child, both of which included sections on the rights of children with disabilities.

30. He also welcomed recent work in the area of disability and agreed that there was a need for more concerted action. Children with disabilities were one of the most marginalized groups, suffering dehumanizing violence and violations of their rights that took away their respect, dignity and individuality and sometimes their lives. That discrimination arose not from the intrinsic nature of disabilities but from social exclusion resulting from poverty, social norms, a culture of rejection of difference, social isolation, prejudice, ignorance and a lack of support and opportunities for persons with disabilities. The cost of exclusion was highest for those who experienced it directly — children with disabilities and their families — but was also borne by society as a whole since the exclusion of children with disabilities from educational and employment opportunities carried a social cost. Adults with disabilities were often poorer than other adults, but education had been found to level the playing field.

31. As contemporary challenges such as climate change, the ongoing food and financial crises, more frequent humanitarian crises and fiscal austerity threatened the well-being of children worldwide, inequalities within and among marginalized communities left many children excluded from economic and social progress. That problem was particularly significant given the need to accelerate progress towards the Millennium Development Goals (MDGs).

32. The continued allocation of resources and capacities to programmes for children was essential. The Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child provided a framework for addressing violations and strengthening the rights of children with disabilities. In interpreting those rights, the links between the two Conventions should be recognized and the two instruments should be applied holistically since they both addressed the rights of children with disabilities and the relationships between those rights. General comment No. 9 (2006) of the Committee on the Rights of the Child (on the rights of children with disabilities) was essential in that regard because it contained recommendations on the rights of children with disabilities in areas such as education and the prevention of violence.

33. Upholding the rights of children with disabilities was both an investment in the future and a requirement for development. Although the international community had recognized the social and economic impact of disability and the nexus between disability and development, development processes must be rendered more inclusive, equitable and sustainable if the progress made was to benefit all, including children. The international community's commitment must be re-energized and strategies for responding to the interests of children, especially the most disadvantaged among them, must be adopted.

34. The work of UNICEF in the area of disability was part of an agency-wide equity-based approach to programming, policies, partnerships and field operations, including the allocation of core resources to children. Its purpose was to address the causes of inequity: the bottlenecks, social norms and impediments that entrenched disadvantage and trapped children, particularly the most deprived and those with disabilities, in poverty. UNICEF had played a key role in ensuring that the Convention on the Rights of Persons with Disabilities made specific mention of children with disabilities and had worked for that Convention to be as widely ratified as the Convention on the Rights of the Child; there was no reason for any difference in the level of commitment to the two instruments.

35. UNICEF was endeavouring to make the Convention on the Rights of Persons with Disabilities known worldwide; in conjunction with the Victor Pineda Foundation and the German Committee for UNICEF, it had published It's about Ability, which explained the Convention to children and had been

translated into 17 languages. It had also been collecting statistical data on children with disabilities through the "Ten Questions" screen of the Multiple Indicator Cluster Survey to bridge the gap in available disability data.

36. The agency had increased its support for Government efforts to implement and report on the Convention and had provided capacity-building and raised awareness of the Convention and other international instruments among relevant Government entities, particularly in the context of the development of national plans of action for persons with disabilities. Better data were expected to make duty bearers more accountable for their actions towards children with disabilities.

37. The Rights, Education and Protection project of UNICEF was aimed at increasing respect for the rights of children with disabilities through more sensitive, responsive and inclusive education and child protection systems. UNICEF had taken steps to make its programmes more accessible to and inclusive of children with disabilities and their families and to make the agency itself more inclusive for staff and members of society. Through partnerships, it had provided guidance and improved capacity-building to all staff and was developing a global disability strategy for use by Governments and non-governmental partners in the field.

38. The commitment of UNICEF to the rights of children and young persons with disabilities and its strong mandate to implement the Convention had led to the decision to focus the 2013 State of the World's Children report, one of its most authoritative publications, on children and youth with disabilities. Further evidence of that commitment was the hosting by UNICEF of the first Forum on the Global Partnership on Children with Disabilities on 14 and 15 September 2012, which had provided an opportunity for stakeholders to share their experiences, information and resources.

39. UNICEF was Co-chair of the Inter-Agency Support Group for the Convention on the Rights of Persons with Disabilities. It had contributed to the drafting of the Guidance Note for United Nations Country Teams and implementing partners on including the rights of persons with disabilities in United Nations programming at country level and was supporting the implementation, monitoring and reporting of those programmes. Since 12 September 2012, it had chaired the United Nations Partnership for Promoting the Rights of Persons with Disabilities in Society and Development, whose Multi-Donor Trust Fund had been established in order to manage resources allocated for that purpose. Much had been accomplished, but more remained to be done. A continuing partnership with a focus on children would remain a fundamental concern and UNICEF looked forward to stronger collaboration; it was at its best when challenged by its stakeholders to do more and stood ready to play its part.

40. **Ms. Santos Pais** (Special Representative of the Secretary-General on Violence against Children) said that although the prevention of violence against children with disabilities had been neglected, there were grounds for optimism, as seen by the fact that the General Assembly had focused its 2011 discussion on the rights of the child on children with disabilities. The wide ratification of the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and the Optional Protocols to those instruments also indicated the international community's commitment to protecting children, in particular those with disabilities, from violence. The Conventions and Protocols were a strong reference for many mandates, including her own as Special Representative.

41. It was believed that between 500 million and 1.5 billion children suffered violence each year, even in contexts where children were expected to be protected: in care, justice and educational institutions and within the family. Violence affected children of all ages, even the very young. According to the 2006 World Report on Violence against Children, prepared by the independent expert for the United Nations Secretary-General's Study on Violence against Children, 80 per cent of children who died from violence were under six years of age; a recent study in *The Lancet* had found that 300 million children under five were exposed to violence.

42. The pattern was similar for children with disabilities but the violence against them was more latent and intense and was rooted in stigma, social prejudice, misunderstanding and discrimination. It was also invisible, possibly because it was perceived as less serious. Available studies showed alarming levels of violence in the lives of such children, particularly girls, with a pattern of physical violence in early childhood

and sexual violence later on. According to the 2011 World Report on Disability, produced jointly by the World Health Organization (WHO) and the World Bank, up to a quarter of children with disabilities experienced violence during their lifetime. Such children were often perceived as a misfortune by their families and a source of shame to their communities. The disability was sometimes seen as the result of witchcraft and harsh measures such as starvation, exposure to extreme heat or cold and beatings, taken in an attempt to liberate the child, led to death in some cases. When used as beggars, children with disabilities were subjected to violence in order to keep them on the streets, attract sympathy and generate charity.

43. In their schools, which were often segregated and of low quality, children with disabilities were mistreated both by their teachers, who often lacked the skills to identify their potential and the challenges facing them, and by their peers. In residential institutions, where staff were often badly trained and paid and were perceived as having low status, the risk of physical and sexual violence was high. Children were left unattended, sometimes in inhuman conditions; they were locked up, tied to their beds (allegedly for their own protection), beaten or heavily medicated to spare disruption to the staff and other children. Such situations continued unmonitored and often persisted into adulthood.

44. The risk of violence also existed within households. Families of children with disabilities experienced isolation, frustration and deprivation. They lacked social and medical support and information about possible benefits and services. They faced additional transport and medical costs and often missed employment opportunities in order to take care of their children. Those factors aggravated stress and bred rejection, hostility, neglect and violence. Certain families kept the child at home in order to avoid harassment outside, but isolation compromised the child's development and autonomy.

45. While the pattern of violence was pervasive, access to justice for children with disabilities was limited; in most cases, there was no investigation or conviction of the perpetrators. Children felt pressure to conceal their suffering because the abuser was often the person on whom they depended and because they feared retaliation. Less than half of the violent incidents perpetrated, including rape and sexual abuse, were reported. Violence against children with disabilities was perceived as less serious than other forms of violence and the testimony of children with disabilities was seen as less reliable than that of others and was often dismissed on the pretext that the children could not tell their story accurately or comprehensively and were probably confused. Their testimony was considered unconvincing and the case would not stand up in court. Moreover, the courts themselves were frequently limited in their capacity to act. Legislation often failed to recognize that children with disabilities could testify, sign legal documents, swear an oath or be assisted in their participation in court. Silence and a sense of impunity were thus created.

46. However, violence against children was preventable and the Conference was an opportunity to bridge the gap between international standards and the situation on the ground. Over the past year, she had conducted a global survey on violence against children, which indicated progress in that area. In Brazil, there was coordination among Government departments to promote an inclusive approach to the rights of children with disabilities and their protection from violence. In Finland, Slovakia and Serbia, national action plans had been drawn up to address such violence. In Vanuatu, support was being provided to help communities integrate children with disabilities and in Jordan and Grenada, national bodies had been established to support the reintegration of children with disabilities who had been exposed to violence. In the former Yugoslav Republic of Macedonia, social work centres were being set up for the same purpose; in Tanzania, disability-friendly schools were being built and educational materials for children with disabilities were being developed; and in Croatia, legislation introducing stiff penalties for perpetrators of violence against children with disabilities had been adopted.

47. Despite those encouraging signs, however, greater effort was needed. Investment in early childhood education was essential in order to give the parents of children with disabilities the support, knowledge, skills and confidence to help their children develop into autonomous subjects of rights and to detect any risk of disability or violence at an early stage. In that regard, the Roving Caregivers Programme in Jamaica was a good example that could be replicated elsewhere. Birth registration was also essential in order to ensure that the law recognized and protected children with disabilities and that violations of their rights did not go unnoticed.

48. It was important to promote public awareness, capacity-building for professionals and research in order to overcome the stigma and marginalization suffered by children with disabilities, promote their social inclusion and self-reliance, inform policymaking, plan for better and better-funded services, improve accountability and change public attitudes. Legislation should prohibit all forms of violence against children with disabilities and ensure safe, child-sensitive, disability-sensitive and gender-sensitive mechanisms allowing for counselling, action on complaints and reporting of violence.

49. Children's involvement in discussions concerning them was essential. Investment was needed so that they could participate in the Conference, act as the first line of prevention and have the skills to influence advocacy and social mobilization. Their experience was fundamental to good policies and the evaluation thereof. She hoped that the organizers of future sessions of the Conference would work with the relevant organizations to ensure that children with disabilities were partners in the discussions and recommendations of the event.

50. Lastly, ratification and implementation of the Convention and the Optional Protocol thereto, and of the Convention on the Rights of the Child and the three Optional Protocols thereto, should be accelerated. Particularly important was the new Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which signified the States parties' commitment to children as subjects of rights who could lodge complaints when they were victims of violence or other violations of their rights.

51. **Ms. Rivas** (Director of National Disability Services, Chile) said that, despite recent progress in ensuring respect for the rights of persons with disability, there was a still a great need for early intervention that would guarantee children with disabilities access to the tools and opportunities that they needed in order to fulfil their potential.

52. In Latin America, barely 30 per cent of children with disabilities were in school. While most States in the region had developed a legal framework that covered disability issues and enshrined the rights of persons with disabilities to some degree, explicit public policies related to early intervention for children with disabilities were notably lacking; the financial and social burden of such intervention fell on families and communities while the Government's role was limited to basic prevention measures such as vaccinations and maternal nutrition programmes.

53. An international legal framework that could serve as a basis for developing a national policy on early intervention existed; the 1959 Declaration on the Rights of the Child set out the right of all children to pre- and postnatal care and the right of children with disabilities to the special treatment, education and care that they required, while the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities called on States parties to work on a priority basis in the areas of prevention of all forms of preventable disabilities, early detection and intervention, treatment, rehabilitation, education, job training and provision of comprehensive services to ensure the optimal level of independence and quality of life for persons with disabilities. The Convention on the Rights of Persons with Disabilities offered a rights-based vision of disability based on a holistic understanding of the individual; it made States parties responsible for ensuring that the minimum living and environmental standards required by persons with disabilities were met.

54. The term "early intervention" referred to a system of services for children who faced challenges in their development, taking their families, social context and community into account. It targeted children who faced developmental issues or high-risk health situations during the first months or years of life and encompassed educational, social and health services within a community-based system. The new psychological-educational model aimed to create a more inclusive environment for such children by linking different types of activities and services, such as the screening, diagnosis and treatment of conditions; family counselling and support; coordination of health, education and social services; and provision of guidance to child education centres.

55. The first years of life were a decisive stage in physical and psychological development; early intervention had a tremendous impact on an individual's entire life cycle. Thus, public policies aimed at promoting early intervention also offered potential economic benefits. From the human rights perspective, any legal framework devised to ensure respect for the rights of persons with disabilities should include early intervention measures and be based on

the principles set out in the international instruments on human rights, children's rights and the rights of persons with disabilities. In that regard, the prohibition of abortion and infanticide on grounds of disability was a specific legal measure that was based on respect for the right to life and for the physical and psychological integrity of children with disabilities. States should also ensure that the right to an identity and the right to a family were respected by ensuring that newborn children were registered and their parents identified.

56. In 2010, the Chilean Government had made great progress towards implementing the Convention on the Rights of Persons with Disabilities with the adoption of Act No. 20,422 on equality of opportunity and the social inclusion of persons with disabilities, which incorporated the provisions of the Convention into domestic law. The Act provided legal recognition of the greater vulnerability of children with disabilities, while several social programmes took their needs into account. In addition, an intersectoral network had been created in order to respond to special education needs related to disability or developmental delays in children under six. The network, made up of Government ministries and agencies working in the areas of education and disability, as well as the national board of day-care centres, had the goal of promoting inclusive education by coordinating and maximizing resources for early intervention. However, a programme specifically focused on early intervention was still needed and should be viewed as an outstanding commitment.

57. Latin American Governments had demonstrated an interest in implementing international law relating to the rights of persons with disabilities. Given the limited resources available, joint activities involving both the public and private sectors were key to leveraging available human resources. The early intervention model required a comprehensive, cross-cutting strategy that took the various stages of life into account and involved public policies on issues ranging from maternal health to inclusive education. A rights-based approach meant a commitment to providing persons with disabilities with opportunities to fulfil their potential, develop alternative skills and exercise their right to self-determination.

58. **Ms. Nilsson** (World Federation of the Deaf Youth Section) said that the World Federation of the Deaf Youth Section (WFDYS), which represented deaf children and young people worldwide, attached great importance to article 4, paragraph 3, and article 7 of the Convention. Traditionally, children and young people with disabilities had been excluded from decision-making processes. Article 4, paragraph 3, called for the active involvement of organizations representing persons with disabilities, including children with disabilities, in decision-making processes that affected their lives. The members of WFDYS understood well the barriers faced by deaf youth and could offer effective solutions.

59. WFDYS was one of only two international youth associations run by young people with disabilities, a fact that demonstrated the global lack of support for youth involvement in the disability movement. The strong participation of young people with disabilities at the national level, including a consultative, integral and equal role in decision-making processes, was the first step in building an international movement.

60. Article 7 of the Convention called on States parties to ensure that children with disabilities had the right to express their views freely on all matters affecting them. She urged States parties to ensure access to high-quality education in sign language for deaf children and young people, which was key to improving their quality of life. Education in sign language allowed deaf children to develop a linguistic and cultural identity within deaf culture, yet only 3 per cent of deaf children and young people received such education. When deaf children felt that they were accepted by society at large, they would be less vulnerable and more likely to be included on equal terms. She hoped that more young people would participate in future sessions of the Conference and that States parties would consult with organizations representing deaf children and young people.

61. **The President** introduced an Indian student who was participating in the Conference on the initiative of the Commonwealth Secretariat. Mr. Rabjot Singh was 14 years old, had a physical disability and had thrived in a mainstream school environment.

62. **Mr. Singh** (India) said that at birth, he had not been expected to speak or walk but through physical therapy, he had learned to speak and could walk with the aid of a walker. At age six, he had been enrolled in St. Mary's School in New Delhi, an inclusive school that believed in allowing differently abled children to reach their full potential. He was treated as an equal there and even participated in overnight trips; the

teachers assisted him without being overprotective or giving him special concessions. Recognizing his desire to play like other children, they had encouraged him to join the school chess team. His school had showed him how to overcome his fears and inhibitions and had taught his peers to be sensitive and caring towards students with disabilities. However, he remained concerned about the protection of his rights, particularly his right of access to a university education, in the future.

63. **Mr. Alemán Arias** (Panama) said that in Panama, while sign language was recognized as the language of the hearing impaired, the fact that many deaf people refused to learn a spoken language hindered their ability to learn to read and write and to find decent work. He asked the representative of WFDYS to offer her views on that issue and on the objection of some hearing-impaired persons to cochlear implant surgery for young children.

64. Noting that the First Lady of Panama was leading a network of more than 40 institutions aimed at improving early childhood care, he asked the Director of the Chilean National Disability Office what measures were being taken in Chile to provide care for young children with disabilities.

65. **Mr. Ganya** (Kenya) asked for good examples of legislation that States parties could replicate or adapt in order to better implement the Convention.

66. **Mr. Diouf** (Senegal) expressed support for the idea that social exclusion was the greatest barrier for children with disabilities. Increasing access to technology and creating a United Nations fund to support families would also improve the situation of those children. He also requested details concerning the Multi-Donor Trust Fund of the United Nations Partnership for Promoting the Rights of Persons with Disabilities in Society and Development, including the types of activities funded and the criteria by which recipients were selected.

67. **Ms. Bersanelli** (Argentina) said that a precise definition of the term "inclusive education" was needed and asked the panellists to explain that concept since an agreed definition would help States parties to mainstream inclusive education into their schools.

68. **Ms. Hendricks** (Jamaica) said she agreed that children needed a voice at the decision-making table, particularly as parents were often overprotective of their children with disabilities. It would be useful to organize seminars aimed at the parents and families of those children in order to inform and encourage them. Supporting the participation of children with disabilities in the Conference of States Parties would give them confidence and might lead them to become the next generation of leaders and advocates for the rights of persons with disabilities.

69. **Ms. Fahmy** (Egypt) said that, as a result of the importance that the Egyptian Ministry of Social Affairs attached to the Convention, a number of services and allowances had been established for children with disabilities, including those with mental disabilities. However, in order to meet the needs of all such children in her country, additional resources and technical and administrative support would be needed. She asked the representative of UNICEF whether that agency could provide technical support with a view to raising awareness of those issues and developing strategies to assist children with disabilities.

70. **Ms. Nilsson** (World Federation of the Deaf Youth Section) said that access to education in one's own language was a human right that extended to deaf children, for whom sign language was their mother tongue. Bilingual education, with schools teaching both sign language and the written language of the country, should therefore be provided in order to give deaf children greater opportunities. While inclusive education was an important issue, it was not the only option; it was important to consider the best interests of the child.

71. **Ms. Santos Pais** (Special Representative of the Secretary-General on Violence against Children), replying to the representative of Senegal, said that it was important for all States to provide trusted, well-resourced services to support children with disabilities who were the victims of abuse and to investigate those crimes. Unfortunately, many countries did not have such mechanisms in place for children in general, let alone those with disabilities. It was vital that children were made aware of existing services, including in sign language, through schools, the media and other means. Staff members must be trained to listen and understand and allowed to carry out their work freely; in too many cases, they ignored complaints or failed to investigate allegations against their colleagues for fear of reprisal. The opinions of children should also be taken into account when evaluating such mechanisms as their

participation was fundamental to the success of those initiatives.

72. **Ms. Bogopane-Zulu** (Deputy Minister for Women, Children and People with Disabilities, South Africa) said that sign language had the same status as other languages and it was important to consider whether sign language schools should be established in a country. In response to the comments by the representative of Kenya, she noted that it was important to establish the aims of new legislation prior to drafting, but Governments should also consider modifying existing laws to include disability issues rather than adopting specific new statutes.

73. On the question of inclusive education, she said it was often not costly or difficult to adapt existing school facilities so that children with disabilities could attend mainstream schools. Lastly, the rights of children with disabilities began at home; it was therefore crucial to ensure that their families received the necessary support and to break down social barriers and prejudice towards persons with disabilities.

74. **Ms. Rivas** (Director of National Disability Services, Chile), in response to the representative of Panama, said that a lack of financial resources was problematic but that the necessary additional funding for the continued implementation of projects in her country had been provided through partnerships with the private sector. For example, a private university in Chile had developed software to teach preschool children, both deaf and hearing, sign language and reading and made it available at no charge.

75. **Ms. Bieler** (United Nations Children's Fund), replying to the representative of Senegal, said it was hoped that the United Nations Partnership to Promote the Rights of Persons with Disabilities would facilitate and increase cooperation between United Nations agencies and around the world. Project proposals should be submitted to the United Nations country team in the concerned State; she would convey the comments made by the representative of Egypt to the UNICEF Office in that country as it was important to work with the Government on a cross-cutting issue such as disability.

76. **Ms. Soha** Sung-Youn (Republic of Korea) said that her Government consulted children with disabilities and the organizations that represented them on all matters that concerned them, notably on the recent adoption of the Welfare Assistance Act. She urged all States parties to strengthen support for organizations that represented and lobbied for the rights of such children.

77. **Mr. Ramos** (Guatemala) asked the representative of UNICEF what more could be done to pursue efforts to translate human rights instruments, given that some 22 indigenous languages were spoken in his country.

78. **Ms. Malan** (Sweden) said that her Government had developed various mechanisms in an attempt to take the opinions of children with disabilities into account when developing policies. She asked whether the panellists had any experience of how to translate that commitment into reality on a broader scale. She also wondered what steps were being taken to include the perspective of children with disabilities in the future United Nations sustainability and development agenda in light of the upcoming High-level Meeting of the General Assembly on Disability and Development. Lastly, she welcomed the efforts of the Special Representative of the Secretary-General on Violence against Children to eliminate such violence, particularly against children with disabilities, and hoped that States parties would support those efforts.

79. **Mr. Kadidia** (Niger) said that while there were specialized schools for deaf children in his country, there were no facilities for the education of children with mental disabilities. He asked UNICEF to provide technical assistance with the implementation of programmes for the education of those children, given the significant difficulties faced by their families and Governments.

80. **Mr. Basharu** (Nigeria) asked the representative of WFDYS whether it was better to provide simultaneous closed captioning or sign language interpretation of television broadcasts, particularly newscasts, in order to ensure the better dissemination of information. He suggested that a conference for the parents and families of children with disabilities should be held in order to celebrate their contribution to the promotion and protection of those children.

81. **Ms. Beteta** (Peru) said that without the necessary budgetary resources, inclusive social policies would remain a dream. Her Government had adopted multi-sectoral budgeting for the integration of persons with disabilities and, as from 2013, would focus on a gender-based approach for programmes concerning young persons with disabilities. National consultations on questions such as early intervention and inclusive

education had been carried out with a focus group comprising young persons with disabilities. She asked what mechanisms could be put in place to ensure regular budgetary provision for those important social policies.

82. **Ms. Geneif** (Sudan) asked UNICEF to establish clear national programmes and create a structural model that would allow for enjoyment of the rights of children with disabilities.

83. **Mr. Rieser** (United Kingdom Disabled People's Council) said that it was important to remember that all the articles of the Convention, not just article 7, applied to children with disabilities. The United Kingdom Disabled People's Council considered it vital that those children were empowered, particularly by adults with disabilities who understood the social oppression of disability and had fought for their own rights. He wondered whether the panellists agreed with that assessment.

84. In addition, he was currently involved in a UNICEF project that sought to train teachers around the world in techniques for teaching mainstream classes that included children with disabilities. Governments should adopt a generally inclusive educational approach, complemented by more specialized schools, in accordance with the provisions of article 24 of the Convention.

85. **Ms. Nilsson** (World Federation of the Deaf Youth Section), speaking in reply to the question posed by the representative of Nigeria, said that both closed captioning and sign language interpretation were valuable tools; people with partial hearing loss might prefer closed captioning while those who used sign language would appreciate simultaneous interpretation.

86. Children with mental disabilities should attend schools with appropriate services and facilities. It was important to ask the children concerned whether they wished to attend an inclusive, mainstream school or a separate, specialized one and what specific services they required.

87. **Ms. Santos Pais** (Special Representative of the Secretary-General on Violence against Children) said that it was important to remember that all articles of the Convention were relevant to all children and young people with disabilities, as were the provisions of the Convention on the Rights of the Child. In order to ensure the participation of young people with disabilities in discussions at all levels on matters that concerned them, it was not always necessary to create parallel mechanisms; rather, efforts should be built on existing networks and on the experience of those working in the field. She hoped that the discussion at the next session of the Conference would include the active participation of young people with disabilities in order to identify the issues that they considered important.

88. **Ms. Bogopane-Zulu** (Deputy Minister for Women, Children and People with Disabilities, South Africa), replying to the question by the representative of Sweden, said that the consultation method should be tailored to the issue under consideration and offered to share the experience of her country in that regard. Adults with disabilities played an important role in shaping the lives of children with disabilities and reassuring their parents.

89. In response to the representative of Peru, she said that while it was important to have the political will to budget for social policies, disability issues should also be mainstreamed into existing programmes, thus avoiding specific requests for small amounts of money that would be further subdivided across various programmes for persons with disabilities.

90. **Ms. Rivas** (Director of National Disability Services, Chile) said that, as the mother of a daughter with disabilities, she welcomed the suggestion that a conference should be held to honour the parents and families of children with disabilities. It was essential to work with parents and help them overcome their tendency to be overprotective of their children.

91. **Ms. Bieler** (United Nations Children's Fund) said that States parties should contact the UNICEF Office in their countries with specific questions. In reply to the question from the representative of Sweden, she invited delegations to attend a UNICEF information session on children with disabilities in the development agenda beyond 2015, at which policy papers on inclusive education, early childhood development and disability and synergies between the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities would be presented in anticipation of the High-level Meeting of the General Assembly on Disability and Development.

92. **Ms. Furman** (Observer for Israel), speaking in exercise of the right of reply, said she was astounded to hear the representative of the Syrian Arab Republic

attack others while his Government was inflicting physical and psychological disabilities upon thousands of men, women and children in that country on a daily basis. Persons with disabilities who found themselves on the wrong side of President Al-Assad's killing machine had no access to hospitals or treatment. She had no desire to politicize a professional forum, but the brutal Syrian regime could no !onger hide its crimes behind criticism of Israel.

The meeting rose at 1.10 p.m.